

1 **Marshall Meyers (020584)**  
2 **WEISBERG & MEYERS, LLC**  
3 **5025 North Central Ave., #602**  
4 **Phoenix, AZ 85012**  
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8 **Attorney for Plaintiff**

9  
10 **UNITED STATES DISTRICT COURT**  
11 **FOR THE DISTRICT OF ARIZONA**  
12

13 Shelley Williams, ) Case No.  
14 )  
15 Plaintiff, ) **COMPLAINT AND TRIAL BY JURY**  
16 ) **DEMAND**  
17 vs. )  
18 )  
19 Blatt, Hassenmiller, Leibsker & Moore,) **COMPLAINT AND TRIAL BY JURY**  
20 LLC, ) **DEMAND**  
21 )  
22 Defendant. )

23 **NATURE OF ACTION**

24 1. This is an action brought under the Fair Debt Collection Practices Act  
25 (“FDCPA”), 15 U.S.C. § 1692 *et seq.*, and the Telephone Consumer Protection Act  
26 (“TCPA”), 47 U.S.C. § 227.

27 **JURISDICTION AND VENUE**

28 2. This Court has jurisdiction under 15 U.S.C. § 1692k(d), 47 U.S.C. §  
29 227(b)(3), 28 U.S.C. § 1331, and 28 U.S.C. § 1367(a).

30 3. Venue is proper before this Court pursuant to 28 U.S.C. §1391(b), where  
31 the acts and transactions giving rise to Plaintiff’s action occurred in this State and this

1 district, where Plaintiff resides in this State and this district, and where Defendant  
2 transacts business in this State and this district.

3 **PARTIES**

4 4. Plaintiff, Shelley Williams ("Plaintiff"), is a natural person who at all  
5 relevant times resided in the State of Arizona, County of Pima, and City of Sahuarita.  
6

7 5. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1692a(3).  
8

9 6. Defendant, Blatt, Hassenmiller, Leibsker & Moore, LLC ("Defendant") is  
10 an entity who at all relevant times was engaged, by use of the mails and telephone, in the  
11 business of attempting to collect a "debt" from Plaintiff, as defined by 15 U.S.C.  
12 §1692a(5).  
13

14 7. Defendant is a "debt collector" as defined by 15 U.S.C. § 1692a(6).  
15

16 **FACTUAL ALLEGATIONS**

17 8. Plaintiff is a natural person obligated, or allegedly obligated, to pay a debt  
18 owed or due, or asserted to be owed or due a creditor other than Defendant.

19 9. Plaintiff's obligation, or alleged obligation, owed or due, or asserted to be  
20 owed or due a creditor other than Defendant, arises from a transaction in which the  
21 money, property, insurance, or services that are the subject of the transaction were  
22 incurred primarily for personal, family, or household purposes.  
23

24 10. Defendant uses instrumentalities of interstate commerce or the mails in a  
25 business the principal purpose of which is the collection of any debts, and/or regularly  
26 collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be  
27 owed or due another.  
28

1           11.     Within one (1) year preceding the date of this Complaint, Defendant made  
2 and/or placed a telephone call to Plaintiff's cellular telephone number, in effort to collect  
3 from Plaintiff an obligation, or alleged obligation, owed or due, or asserted to be owed or  
4 due a creditor other than Defendant.

5  
6           12.     Within one (1) year preceding the date of this Complaint, Defendant  
7 willfully and knowingly utilized an automatic telephone dialing system to make and/or  
8 place a telephone call to Plaintiff's cellular telephone number, in effort to collect from  
9 Plaintiff an obligation, or alleged obligation, owed or due, or asserted to be owed or due a  
10 creditor other than Defendant.

11  
12           13.     In connection with collection of an alleged credit card debt, Defendant sent  
13 Plaintiff an initial debt collection notice letter dated May 17, 2011. *See* Correspondence  
14 attached hereto as Exhibit A.

15  
16           14.     Defendant's letter was mailed to the address for Plaintiff's counsel with  
17 actual knowledge that Plaintiff was being represented by counsel.

18  
19           15.     Despite knowledge that Plaintiff was being represented by counsel,  
20 Defendant placed a direct call to Plaintiff's cellular telephone on June 3, 2011.

21  
22           16.     Despite knowledge that Plaintiff was being represented by counsel,  
23 Defendant placed a direct call to Plaintiff's cellular telephone on June 9, 2011 at 2:05  
24 P.M.

25  
26           17.     Defendant placed non-emergency calls to Plaintiff's cellular telephone,  
27 without the prior express consent of Plaintiff, using an automatic telephone dialing  
28

1 system, including, but not limited to, calls placed on June 3, 2011 and June 9, 2011 at  
2 2:05 P.M.

3 18. Defendant's actions constitute conduct highly offensive to a reasonable  
4 person.  
5

6 **COUNT I**

7 19. Plaintiff repeats and re-alleges each and every allegation contained above.

8 20. Defendant violated the FDCPA as detailed above.  
9

10 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- 11 a) Adjudging that Defendant violated the FDCPA;  
12  
13 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k, in the  
14 amount of \$1,000.00;  
15  
16 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;  
17  
18 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this  
19 action;  
20  
21 e) Awarding Plaintiff any pre-judgment and post-judgment interest as may be  
22 allowed under the law;  
23  
24 f) Awarding such other and further relief as the Court may deem just and  
25 proper.  
26  
27  
28

**COUNT II**

21. Plaintiff repeats and re-alleges each and every allegation contained above.

22. Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii) by willfully and knowingly utilizing an automatic telephone dialing system to make and/or place a telephone call to Plaintiff's cellular telephone number.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii);
- b) Awarding Plaintiff statutory damages, pursuant to 47 U.S.C. § 227(b)(3)(B), in the amount of \$500.00 per violation;
- c) Awarding Plaintiff statutory damages, pursuant to 47 U.S.C. § 227(b)(3)(C), in the amount of \$1,500.00 per violation;
- d) Awarding Plaintiff actual damages, pursuant to 47 U.S.C. § 227(b)(3)(B);
- e) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- f) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law.

**TRIAL BY JURY**

Plaintiff is entitled to and hereby demands a trial by jury.

Respectfully submitted this 1st day of September, 2011

By: s/ Marshall Meyers  
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